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PART IIA

GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 14th November, 2008.

No.RDA.14/2008/27.—Whereas it appears to the Government of Meghalaya that the land is required to be taken by the Government at the public expenses for a public purpose, viz for construction of IBBR and Fence from Gulpani to Chenggni in the village Gulpani to Chenggni x pargana or mouza x zilla x it is hereby declared that for the above purpose land measuring more or less 32B - 4K - 18L or 10.58 acres of standard measurement, bounded on the

BOUNDARIES:

- | | | |
|----------------------------|---|--|
| 1. Shri Rotison T. Sangma | - | L = Gulpani Akhing land.
R = - do - |
| 2. Smti. Milash R. Marak | - | L = Milash R. Marak.
R = - do - |
| 3. Smti. Romaleny R. Marak | - | L = Milash R. Marak.
R = - do - |

is required within the aforesaid village Gulpani to Chenggni.

The declaration is made under the provision of Section 6 of Act I of 1894, as amended by the Act 68 of 1984 to all whom it may concern.

A plan of the land may be inspected in the office of the Deputy Commissioner, South Garo Hills District.

Nothing in this declaration will be considered to apply to land which is reasonable for the said purpose under the terms of the lease and which Government elect to resume instead of acquiring under the Act.

B. HAJONG,

Deputy Secretary to the Govt. of Meghalaya,
Revenue & Disaster Management Department.

The 6th November, 2008.

ADDENDUM

No.FEM.18/88/Pt/13.—Under the Office Memorandum 18/88/Pt.11, dated 8th August, 2008, the words “subject to the condition that the Number of eligible staff accompanying the Minister on official tour should in no case exceed 1 (one)” to be added after the words “the duties of a P. A. to the Minister.”

J. LINGDOH,

Secretary to the Govt. of Meghalaya,
Finance (A.F.) Department.

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION**NOTIFICATION**

No. MSERC/Regn-09/2008. The following draft of the **Meghalaya State Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2008** proposed to be made by the Commission in exercise of the powers conferred under section 181 of the electricity Act, 2003, is hereby published as required under sub-section (3) thereof. Any person or persons who may be interested may send their views, comments or objections if any to the Secretary of the Commission within 15 (fifteen) days of the publication of this notification in the Gazette of Meghalaya for consideration.

Secretary
Meghalaya State Electricity Regulatory Commission
Shillong

The Meghalaya State Electricity Regulatory Commission (Terms and Conditions of Open Access) Regulations, 2008.

1. Short Title and Commencement

- (i) These regulations shall be called the Meghalaya State Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2008.
- (ii) These regulations shall come into force from the date of publication in the Gazette of Meghalaya.
- (iii) These regulations shall apply to the open access customers for use of intra-state transmission system/s and/or distribution system/s of licensee/s in the State, including such system/s, which are incidental to inter-state transmission of electricity.

2. Definitions

In these regulations, unless the context otherwise requires -

- (a) "Act" means the Electricity Act, 2003 (36 of 2003);
- (b) "Commission" means the Meghalaya State Electricity Regulatory Commission;
- (c) "consumer" means any person defined as such in sub-section 15 of section 2 of the Act;
- (d) "installation" means the whole of electric wires, fittings, motors and apparatus installed and wired by or on behalf of the Consumer on one and the same premises starting from the point of commencement of supply;
- (e) "SLDC" means the State Load Dispatch Centre established under sub-section (1) of section 31 of the Act;

- (f) "nodal agency" means the nodal agency defined in regulation 8 of these regulations;
- (g) "open access" carries the same meaning as defined in sub-section 47 of section 2 of the Act;
- (h) "open access consumer" means a person permitted by the Commission to receive supply of electricity from a person other than the distribution licensee of his area of supply, and the expression includes a generating company and licensee, who has availed of or intends to avail of, open access;
- (i) "person" shall carry the same meaning as defined in sub-section 49 of section 2 of the Act;
- (j) "premises" shall carry the same meaning as defined in sub-section 51 of section 2 of the Act;
- (k) "State transmission Utility" carries the same meaning as defined in sub-section 67 of section 2 of the Act;
- (l) "wheeling" carries the same meaning as defined in sub-section 76 of section 2 of the Act;

Words and expressions used and not defined in these Regulations but defined in the Act shall have the meanings assigned to them in the said Act.

3. Criteria for allowing Open Access

- (1) Long-term open access shall be allowed in accordance with the approved transmission and distribution plan.
- (2) Short-term open access shall be allowed, if the request can be accommodated, by utilizing
 - a. Inherent design margins
 - b. Margins available due to variation in power flows and
 - c. Margins available due to in-built spare transmission system capacity and distribution system capacity created to cater for future load growth.

4. Eligibility for Open Access and Phasing:

- (1) Subject to the provisions of these regulations, any consumer shall be eligible for open access to the intra-state transmission system of the State Transmission utility or any transmission licensee/s and distribution system/s of the distribution Licensee/s within the State.
- (2) Such open access shall subject to payment of such charges as may be determined by the Commission from time to time.
- (3) Every person, with a captive generating plant shall have the right to open access as per the provisions of Section 9 of the Act.

- (4) Subject to operational constraints and other relevant factors, open access shall be allowed to the consumers by the transmission licensee/s and/or distribution licensee/s for contracted demand of 1 MW and above.
- (5) The Commission may allow Open Access to Consumers other than those specified in clause 4(4) above at such time as it may consider feasible.

5. Categorization of Open Access Consumers

- (1) The open access customers shall be classified into the following categories based on the duration of use of the intra- state transmission and/or distribution system:
 - (a) Short-term Open Access customer- persons availing or intending to avail the open access for a period of less than one years and;
 - (b) Long-term Open Access customer- persons availing or intending to avail the open access for a period equal to or more than one years.
- (1) Short-term open access customer shall be eligible to obtain fresh open access after the expiry of the term and shall be treated as a new applicant for capacity allocation. Priority, if necessary, will be determined with reference to the date of application.

6. Allotment Priority

- (1) The priority for allowing open access shall be determined in the following order:
 - (a) Distribution licensee for long term
 - (b) Other Open access customers for long term
 - (c) Distribution licensee for short term
 - (d) Other open access customers for short term.
- (2) Among the open access customers within a category, the person applying for open access for a longer duration shall have preference over the person applying for shorter duration at any given time.
- (3) Subject to the above clauses, the decision to allow open access shall be on the basis of first come first served.
- (4) In case short-term open access is to be accommodated through congested corridors of the network, the Nodal Agency shall invite bids by Fax/e-mail with floor price equal to the uncongested price for short term users. The allotment shall be done on the basis of decreasing order of price quoted. In case the quoted prices are equal, the allotment shall be done on *pro rata* basis of capacity sought. The user getting allotment of capacity less than the capacity sought shall pay the price quoted by him. All other applicants shall pay charges as per the price quoted by the last applicant getting full allotment of capacity sought.

8. Nodal Agency

- (1) The nodal agency for arranging long-term open access shall be the state transmission utility if its system is used; otherwise the nodal agency shall be the respective distribution licensee, within whose area the point of drawal is situated.
- (2) For short term open access the nodal agency shall be the state load dispatch centre.

9. Procedure for applying for Open Access

- (1) An application for open access shall be filed with the respective nodal agency by the intending open access customer, with a copy marked to the distribution licensee of the area. ,
- (2) The application shall contain such details as capacity needed, point of injection, point of drawal, voltage level, phase arrangement, duration of availing open access, peak load/time, average load and any other additional information that may be required by the nodal agency.
- (3) The nodal agency shall host on its website the details of applications received and the status of each application on a continuous basis.
- (4) The nodal agency shall issue necessary guidelines, procedure and application forms within 30 days of publication of these regulations in the official gazette.
- (5) The application shall be accompanied by a non-refundable processing fee of Rs 5,000/- for long-term customers and Rs. 1000/- for short-term customers.
- (6) The nodal agency, based on the system studies by the concerned licensee or otherwise assess the capacity available and communicate the same to the applicant within the time schedule indicated below:
 - a. Short term open access – Within 7 days from the date of receipt of application
 - b. Long term open access – within 30 days from the date of receipt of application.
- (7) Where the nodal agency is of the opinion that open access cannot be allowed without system strengthening, it shall identify the scope of work for system strengthening and the probable date from which the open access can be allowed and the applicant shall be informed accordingly within 30 days.
- (8) An open access customer shall enter into commercial agreements with transmission and distribution licensees, generators, traders, consumers and others, as applicable to him. Such agreements shall include a clause pertaining to payment security mechanism.
- (9) The nodal agency shall prepare the standard agreement formats within 30 days of publication of these regulations and after obtaining due approval of the Commission makes the standard agreement formats available to the public. The agreement formats shall be hosted on the website of the nodal agency.
- (10) After agreements have been entered into and copies furnished to the nodal agency, the nodal agency shall inform the open access customer the date from which open access will be available, within three days from the date of furnishing agreements.

- (11) STU/Distribution Licensees shall conduct the System Studies annually or as often as directed by the Commission to provide open access to long-term customers. The System data including the additional loading capacity of lines shall be updated on a continuous basis and shall be made available to the public. Such data shall also be hosted on the licensees' website.

Notwithstanding the above, if the studies are insisted upon by any person, the system studies shall be carried out by the STU/ Distribution licensee by collecting reasonable charges from such person. Such studies shall be completed within 90 days from the date of receipt of charges toward the study and a detailed report shall be furnished to such person.

10. Non-Utilisation of open access service by Open Access Customer

- (1) In the event of inability of the short-term open access customer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term open access customer shall inform the respective SLDC of his inability to utilise the capacity, along with reasons therefor and may surrender the use of capacity allocated to him. However, such short-term customer shall bear full transmission and /or wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.
- (2) A long-term customer shall not relinquish or transfer his rights and obligations specified in the open access agreement without prior approval of the nodal agency. The relinquishment or transfer of such rights and obligations by a long-term customer shall be subject to payment of compensation, as per the terms of the open access agreement.
- (3) The SLDC may cancel or reduce the capacity allocated to a short-term open access customer to the extent it is underutilized, when such a short-term open access customer under-utilizes the allocated capacity more than 2 times in a month with duration of underutilization exceeding 2 hours each time or fails to inform the distribution licensee of his inability to utilise the allocated capacity. Such cancellation shall be resorted to after giving due notice to the affected parties.
- (2) The surplus capacity available as a result of its surrender by the short-term open access customer under clause (1) above or reduction or cancellation of capacity by the SLDC under clause (3) above, may be allocated to any other short-term open access customer in the order of pending applications based on the point of injection and drawal.

11. Open Access Charges

The charges for the use of the transmission/distribution system by an open access customer shall be regulated as under:

- (i) Where open access is availed from a transmission licensee (including STU) under section 39(2)(d)(ii) and section 40(c)(ii) of the Act, transmission charges as determined by the Commission under section 62(1)(b) of the Act shall be applicable.
- (ii) Where open access is availed from a distribution licensee under section 42(2) of the Act, wheeling charges in addition to transmission charges payable under sub-clause (i) shall be charged.

- (iii) In case intra-state transmission system or distribution system is used by an open access customer in addition to inter-state transmission system, transmission charges and wheeling charges shall be payable for use of intra state system in addition to payment of inter-state transmission charges.
- (iv) According to proviso 1 of sub-section 2 of section 42 surcharge to meet the current level of cross subsidy is payable if open access is availed. The surcharge will be determined as per the following formula:
$$S = T - [C (1 + L/100) + D]$$

Where;
S is the surcharge
T is the tariff payable by the relevant category of consumer
C is the weighted average cost of power purchase of the top 5% at the margin excluding liquid fuel based generation and renewable power.
D is the wheeling charge
L is the system loss for the applicable voltage level in percentage terms.
- (v) Where a dedicated transmission system or distribution system used for open access is constructed for the exclusive use of an open access customer, the transmission charges and/or wheeling charges for such a dedicated system shall be borne entirely by such open access customer till such time the surplus capacity is allotted and used for by other persons or purposes.
- (vi) The charges incurred for strengthening the system in order to provide open access for the exclusive use of an open access customer shall be borne by that open access customer.
- (vii) According to section 42(4) of the Act, An additional surcharge as may be specified by the Commission on charges of wheeling will be payable by a consumer seeking open access for receiving supply from a source other than the distribution licensee of his area of supply to meet the fixed cost of the distribution licensee arising out of his obligation to supply. In the case of a new open access customer (i.e. if the open access customer was not a consumer of the licensee), no such additional surcharge will be payable. The additional surcharge would be determined on a case-to-case basis.
- (viii) Charges for backup supply from the grid shall be payable by the open access customer in the event of failure of contracted supply. In case of outages on the part of the generator meeting open access load, standby arrangements should be provided by the licensee on payment of charges applicable to temporary connections for the relevant category of consumer.
- (ix) If the open access customer draws power in variance with the agreed schedule for drawal under the open access arrangement, the customer shall pay UI charges as per Inter-State ABT until such charges are determined for intra-state operations.
- (x) Scheduling and system operation charges shall be payable by all open access customers who are under scheduling by SLDC. Such charges shall be governed by the relevant regulations issued by the Commission.

- (xi) Grid support charges and any other charges as may be specified by the Commission shall be payable by the open access customer.
- (xii) An open access consumer shall make a security deposit equivalent to charges for two months to the appropriate licensee to secure the licensee against default in payment.
- (xiii) Reactive power charges determined by the Commission shall be paid by open access consumers who draw reactive power from the grid.
- (xiii) Monthly transaction charges for meter reading and maintaining the transaction details shall be payable by an open access consumer to the nodal agency maintaining such transaction details.

12. Curtailment Priority

In case of transmission/distribution system constraints or otherwise, it becomes necessary to curtail power supply, short-term open access consumers shall be subjected to curtailment of supply first followed by long-term open access customers.

Provided that within a category, the open access customers shall have equal curtailment priority and shall be curtailed on pro-rata basis. The nodal agency shall be responsible for curtailing supply in accordance with this regulation.

13. Information System:

1. SLDC shall post the following information in a separate web page titled “Open Access Information” and also issue a monthly and annual report containing such information;
 - a. A status report on long term customers
 - b. A status report on short term customers
 - c. Floor rate for bidding in case of congestion
 - d. Peak load flows on EHV and HV lines
 - e. Information regarding average loss in the transmission system and distribution system as determined by the licensee/s on a monthly basis.
2. The information shall be updated upon every change in status.
3. All previous reports shall be available in the web-archives.
4. The SLDC shall host the above information on its website within six months of the regulation coming into force and keep updating it on a continuous basis.

14. Dispute Resolution

- (1) All disputes and complaints relating to open access shall be made to the SLDC, which may investigate and endeavour to resolve the grievance.

- (2) If the SLDC is unable to redress the grievance, it may be referred to the Commission for resolution.

15. Special Energy Meters

1. Tri-vector meters with Time of the Day (TOD) facility shall be installed by the open access customers.
2. The meters shall be capable of time-differentiated measurements (15 minutes) of necessary parameters. These meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the nodal agency.
3. The meter shall include CTs, PTs and associated accessories and shall be tested and calibrated at least once in a year.
4. The meters shall be sealed by the distribution licensee in whose area the Consumer is situated.
5. In case the meter is provided by the transmission/distribution licensee, the open access customer shall pay for its rent and also provide security deposit.
6. The meter shall be capable of communicating its reading to SLDC on real time basis.
7. The metering code prevailing in the state shall be applicable to the open access customers also.

16 Energy losses

The Commission will allow average loss compensation at the appropriate voltage level for open access transactions. Energy losses in transmission and distribution shall be determined in accordance with the methodology specified by the Commission from time to time.

17. Compliance of Grid Code/Distribution Code

All open access consumer shall abide by the State Grid Code, Distribution Code and all other Codes and Standards, as applicable from time to time.

18. Collection and Disbursement of charges

The charges in respect of open access customers shall be payable directly to the relevant licensee or the STU depending on whose facilities are used by the open access consumer. Distribution licensees in the area where the open access supply is made shall receive payment in all cases where charges are collected by a transmission licensee or STU.

19. Reports

The distribution licensee shall submit a quarterly report every calendar year within one month of the end of the quarter in the following format:

SCHEDULE

Sl. No.	Name and address of the open access customer	Point of injection	Point of drawal	Capacity allowed (MW)	Period of open access allowed	Actual utilization in MU

20. Miscellaneous**(1) Communication facility**

An open access customer shall have the facilities of telephone, fax and e-mail and the details of his communication systems shall be provided to the SLDC and the nodal agency.

(2) Issue of orders and directions

Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and directions with regard to the implementation of the regulations and procedures to be followed.

(3) Power to remove difficulties

- (i) In case of any difficulty in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the Open Access Customers, generators and the licensees to take suitable action, not being inconsistent with the provisions of Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty.
- (ii) The Open Access Customers, generators and the licensees may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these regulations.

(4) Power to amend:

The Commission may from time to time add, vary, alter, modify or amend any provisions of these regulations after following the necessary procedures.

By Order of the Commission
Secretary

THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION**NOTIFICATION**

No.MSERC/Regn-10/2008. The following draft of the **Meghalaya State Electricity Regulatory Commission (Levy and Collection of State Load Despatch Centre Fees and Charges) Regulations, 2008** proposed to be made by the Commission in exercise of the powers conferred by section 181 of the Electricity Act, 2003 is hereby published as required under sub-section 3 thereof. Any person or persons who may be interested may send their views, comments or objections if any to the Secretary of the Commission within 15 (fifteen) days from the date of publication of this notification in the Gazette of Meghalaya.

Secretary

Meghalaya State Electricity Regulatory Commission
Shillong

Meghalaya State Electricity Regulatory Commission (Levy and Collection of State Load Despatch Centre Fees and Charges) Regulations, 2008

CHAPTER- I**1.0 Short title, extent and commencement-**

- 1.01** These Regulations may be called the **Meghalaya State Electricity Regulatory Commission (Levy and Collection of Fee and Charges by State Load Despatch Centre) Regulations-2004**. This extends to the whole of the State of Meghalaya.
- 1.02** They shall apply to the licensees engaged in intra-State transmission of electricity and generating stations that are monitored and despatched by the SLDC in the State of Meghalaya. These Regulations shall not be applicable to generating stations upto and inclusive of installed capacity of 5MW.

CHAPTER-II**2.0 Definitions**

- 2.01** “Act” means The Electricity Act 2003;
- 2.02** “Billing month “ means the calendar month ending with the last day of the month;
- 2.03** “Commission” means the Meghalaya State Electricity Regulatory Commission;
- 2.04** “financial Year” means the year commencing from first day of April, and ending on the thirty-first day of March of the following year;
- 2.05** “intra-State transmission system” means any system for transmission of electricity other than an inter-state transmission system;
- 2.06** “State Government” means the Government of Meghalaya;
- 2.07** “State Load Despatch Centre (SLDC)” means the load despatch centre established in Meghalaya by the Government of Meghalaya;
- 2.08** “state transmission utility” means the Meghalaya State Electricity Board which has been notified as such by the Government of Meghalaya, under the Act;

- 2.09 Words and phrases which are not defined in this regulation shall have the same meaning as found in the Electricity Act 2003. In case of any inconsistency in the words and phrases between the Act and the KER Act, the provisions of the Act will prevail.

CHAPTER-III

Fee and SLDC charges

3.00 Levy and Collection of Fee and SLDC Charges from Generating Stations and Transmission Licensees

- 3.01. All expenses incurred by the SLDC, shall be accounted for separately.
- 3.02 For the discharge of its functions as specified in section 32 of the Act, expenses incurred by the SLDC shall be recovered from the Generating stations monitored and despatched by the SLDC and the Transmission Licensees.
- 3.03 Each of the Generating stations monitored and despatched by SLDC and Transmission Licensees which come under the purview of these Regulations shall submit an application to the SLDC in the specified format at least one month before the proposed date of connection to the State Grid, along with Fee of Rs.10, 000. (Rupees Ten Thousand only). The existing Transmission Licensees and Generating Stations, which come under the purview of these Regulations, shall register themselves with the SLDC by filing an application along with the above mentioned fees.
- 3.04 The SLDC, after scrutinising the application and after being satisfied of the completeness and correctness of the information furnished in the application, shall register the application in SLDC records duly intimating the applicant regarding the acceptance.
- 3.05 i) The SLDC charges to be recovered from the Generating Stations monitored and despatched by SLDC and Transmission Licensees shall be determined taking into account the following expenses:
- a) Employee Cost
 - b) Administration and general Charges
 - c) Repairs and Maintenance Expenses
 - d) Depreciation
 - e) Interest and finance charges
 - f) Interest on working capital, if any
 - g) Return on equity/Investments
 - h) Any other expenses incidental to discharging the functions of SLDC.
- 3.06 Basis for collection of SLDC charges:
The annual SLDC charges shall be arrived at, as per Annexure-1 and shall be allocated equally between the Generating Stations monitored and despatched by SLDC and Transmission licensees. Thereafter, the allocation of charges to the individual Generating Stations monitored and despatched by SLDC shall be on the basis of installed generation capacity. The allocation of charges to individual transmission licensees shall be on the basis of M.W Kilo Meters of the transmission network.

CHAPTER –IV

4.01 Filing of Annual Revenue Requirement (ARR) by the SLDC

- a) Not later than four months before the commencement of the Financial Year, the SLDC shall provide to the Commission, full details of its calculations of the estimated ARR for the ensuing Financial Year and proposed allocation of charges to transmission licensees and generating stations. The details shall also be furnished to the Generating Stations and Transmission Licensees simultaneously.
- b) The details of calculation of the expenses and other related information shall be provided in the format prescribed in the Annexures 1 to 13.
- c) The details of capital investment programme for the ensuing year shall be furnished along with the ARR filing. For projects costing above Rupees one crore, specific prior approval of the Commission, in respect of each of the projects shall be obtained duly furnishing the Detailed Project Report (DPR) for such works, with full details.
- d) The ARR shall be filed, in the form of a petition, by the SLDC in Six sets with each format signed by an authorised officer of the SLDC, who shall be responsible for verifying and certifying the correctness thereof.
- e) The ARR filed by the SLDC shall be scrutinised by the Commission and as a result of such scrutiny, the Commission may, within fifteen working days, call for such further information and clarification as may be required.
- f) The Commission may get the books/records of SLDC examined by its officers and/or by any authorised person at any point of time during the pendency of the petition or otherwise. The reports of the officers etc., shall be made available to the parties concerned and they shall be given opportunity to reply/respond to the reports. The Commission shall duly take into account the report or the opinion given by the officers and/ or by any authorised person and the reply filed by the parties thereon, and if considered necessary, the Commission may examine the person giving the reports or the opinion, while deciding the matter.
- g) Upon the Commission being satisfied that all the information and clarification sought for by it have been produced and that sufficient opportunity has been afforded to all the parties concerned, the Commission will pass appropriate orders on the ARR. The Commission will also determine the SLDC charges recoverable from the Generating stations monitored and despatched by SLDC and the Transmission Licensees in the first ARR.
- h) The SLDC charges so determined by the Commission shall be valid till the approval of next revision of charges. SLDC shall seek revision of charges only when the ARR for any year varies by plus or minus 10% of the ARR considered at the time of previous determination of SLDC charges.
- i) SLDC shall file ARR every year even when no revision of charges is required. The Commission will validate the ARR and pass appropriate orders.
- j) In the event of non-revision of SLDC charges during any year for the reasons cited under 4.01(i), shortfall or excess in recovery of SLDC charges, shall be carried forward to the next ARR.
- k) The SLDC shall submit periodic returns containing operational and cost data, as may be prescribed by the Commission.
- l) All filings shall be in conformity with the stipulations made in these Regulations.

CHAPTER-V

BILLING AND COLLECTION OF SLDC CHARGES

5.01 Billing of SLDC Charges:

- a) The SLDC shall furnish necessary monthly bills at the rate of one twelfth of the annual charges as approved by the Commission, to the Generating stations monitored and despatched by SLDC and the Transmission Licensee for each billing month with in SEVEN DAYS after the last day of the preceding month.
- b) The Generating Companies and the Transmission Licensees shall make payment to the SLDC of the amounts due within FIFTEEN DAYS of the date of receipt of the bill.
- c) If the payment is not made within the due date, a penal interest at the rate of SBI Prime Lending Rate PLUS TWO percent per annum shall be payable on the unpaid amounts.
- d) **Priority for Payment of SLDC Charges:** The Generating stations monitored and despatched by SLDC and the Transmission Licensees shall arrange payment of the SLDC Charges on a first charge basis over all other payments except statutory payments.
- e) **Disputes in billing:** Disputes arising out of billing of SLDC charges shall be, as far as possible, settled by mutual negotiations. If the disputes are not resolved through mutual negotiations within SIXTY DAYS of the receipt of the bills, the matter shall be referred to the Commission through a petition by either of the parties. The decision of the Commission shall be binding on both the parties.
- f) Pending resolution of the dispute 90% of the bill amount shall be paid under protest within the due date.
- g)

CHAPTER- VI

Miscellaneous

- 6.01(a) Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.
- (b) Nothing in these regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or a class of matters and for reasons to be recorded in writing, deems it just or expedient for deciding such matter or class of matters.
- (c) Nothing in these regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

By Order of the Commission,

Secretary

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION**NOTIFICATION**

No.MSERC/Regn-11/2008. The following draft of the **Meghalaya State Electricity Regulatory Commission (Fees and Charges) Regulations, 2008** proposed to be made by the Commission in exercise of the powers conferred by section 181 Of the Electricity Act, 2003 is hereby published as required under sub-section (3) thereof. Any person or persons who may be interested may send their views, comments or objections if any to the Secretary of the Commission within 15 (fifteen) days from the date of publication of this Notification in the Gazette of Meghalaya for consideration.

Secretary

Meghalaya State Electricity Regulatory Commission
Shillong

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION (FEES AND CHARGES) REGULATIONS, 2008**1. Short Title, commencement and extent**

- (1) These regulations may be called the “Meghalaya State Electricity Regulatory Commission (Fees and Charges) Regulations, 2004”.
- (2) These regulations shall come into force from the date of their publication in the Meghalaya Gazette.
- (3) These regulations extend to whole of the State of Meghalaya.
- (4) These regulations shall apply to all matters within the jurisdiction of the Commission, including all applications/petitions pending before the Commission at the date of publication and all application/petitions disposed by the Commission prior to publication and for which a provisional fee or charge was paid or was to be paid by the applicant.

2. Definitions

- (1) In these regulations, unless the context otherwise requires:
 - (a) “Act” means the Electricity Act, 2003 (36 of 2003)
 - (b) “Commission” means the Meghalaya State Electricity Regulatory Commission.
 - (c) “fees” means fees mentioned in schedule 1.
 - (d) “Fines and/or charges” refers to fines and/or charges that Commission is empowered to impose under the Act.
 - (e) “Fund” means the fund constituted under Section 103 of the Central Act.
- (2) Words or expressions used herein and not defined shall have the meanings respectively assigned to them in the Act and/or MSERC (Conduct of Business) Regulations, 2006.

3. Fees on application / petition.

- (1) Every application/petition made to the Commission shall be accompanied by fees or charges specified in Schedule 1 to these regulation.
- (2) The fees or charges payable under these regulations shall be paid by means of bank draft or pay order, drawn in favour of the 'Meghalaya State Electricity Regulatory Commission', payable at Shillong or may be paid in cash in case the amount does not exceed rupees one thousand.
- (3) The fees or charges received by the Commission under these regulations shall be deposited in the bank account of the Fund.

4. Procedure for recovery of penalty/fine

- (1) Any penalty ordered by the Commission under Section 142 and Section 146 of the Central Act or by the adjudicating officer under Section 143 of the Central Act shall be paid within thirty (30) days of the order of the Commission or the adjudicating officer, or within such extended time as may be allowed by the Commission or such adjudicating officer, as the case may be.
- (2) The penalty/fine shall be payable and the amount shall be deposited in the same manner as provided under Regulation 3(2) and 3(3) of these regulations.

5. Fees payable on the grant of license

- (1) All existing/deemed licensees shall pay the annual fee for the financial year 2009-10 onwards as specified in the schedule 1 and shall not be required to pay any initial fee.
- (2) All annual fees commencing from the financial year 2009-10 shall be paid by 15th April each year.
- (3) In case of late payment of annual fee, interest will be payable on the delayed amount at the rate of 1% per month.

6. Inclusion in tariff

The licensee shall be entitled to take into account any fee or charge paid by it under these regulations as an expense in the determination of tariff.

Provided that any penalty/fine paid under the provisions of the Central Act shall not be allowed as an expense in the determination of tariff.

7. Power to amend

The Commission may, at any time, vary, alter, modify or amend any of the provisions of these regulations.

8. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of these regulations, the Commission may, by general or specific order, direct the licensee to take suitable action, not inconsistent with the provisions of the Central Act, as may appear the necessary for removing the difficulty.

By Order

Secretary

SCHEDULE 1 : FEES AND CHARGES

Sl. No.	Description	Fees/Charges
1.	Adjudication of dispute regarding availability of transmission facility under the second proviso to sub-section (2) of Section 9 under the Central Act, to be paid by the person who has referred such dispute to the Commission.	Rs.10,000 for the first one MW of transmission capacity sought and Rs.1,000 per MW thereafter, subject to a maximum of Rs.1,00,000
2.	Petition for grant of exemption from license or review petition under Section 13 of the Central Act.	Fees as may be specified at the time of filing application/petition subject to minimum of Rs.5,000
3.	Annual fee for the licensee/deemed licensee who has taken exemption from licence under Section 13 of the Central Act.	Fees as may be specified at the time of filing petition, subject to a minimum of Rs. 5,000
4.	Annual licence fees for: (a) Transmission licence (b) Distribution licence (c) Trading licence Note: (i) In the case of the Meghalaya State Electricity Board, so long as it continues to function as the State transmission utility and licensee as per the provisions of Section 172 (a) of Central Act, the annual licence fee will be payable in advance at the commencement of the financial year, as per the rate as mentioned against (b) above (for Distribution licence)	(a) Rs. 3,00,000 (b) Rs 5,00,000 (c) Rs 1,00,000
5.	Application seeking prior approval under Section 17 of the Central Act.	0.01 percent of the value of the transactions for which approval is sought, subject to a minimum of Rs. 2,00,000 and maximum of Rs. 15,00,000
6.	Application for amendment of licence under Section 18 of the Central Act (a) by licensee (b) by any person other than a licensee	(a) Rs. 1,00,000 (b) Rs. 50,000
7.	Application for revocation of licence under sub-section (2) of Section 19 of the Central Act. (a) by licensee (b) by any person other than a licensee	(a) Rs. 5,00,000 (b) Rs. 1,00,000
8.	(a) Application under Section 35 of the Central Act for seeking the use of intervening transmission facilities.	(a) Rs. 50,000

	(b) Adjudication of dispute regarding extent of surplus capacity under the proviso to Section 35 of the Central Act.	(b) Rs. 5,00,000
9.	Application for determination of rates, charges, terms and conditions under proviso to sub-section (1) of section 36 of the Central Act.	Rs. 2,50,000
10.	Adjudication of disputes regarding provision of non-discriminatory open access under Section 40 of the Central Act and regulations specified thereunder, not covered above: (a) referred by a licensee or by a generating company (b) referred by a person who has constructed and maintains and operates a Captive Generating Plant (c) referred by a consumer	(a) Rs. 5,00,000 (b) Rs.25,000 (c) Rs. 5,000
11.	Adjudication of disputes regarding provision of non-discriminatory open access under sub-section (2), (3) and(4) of Section 42 of the Central Act and regulations specified thereunder: (a) referred by a licensee or by a Generating Company, other than a Generating Company referred to in 13(a) (ii) below (b) referred by a Generating Company directly connected to the distribution system of a Distribution Licensee or by person who has constructed, maintains and operates a Captive Generating Plant. (c) Referred by consumer	(a) Rs. 5,00,000 (b) Rs. 25,000 (c) Rs. 5,000
12.	(a) Determination of tariff under the provisions of clause (a) of sub-section (1) of Section 62, for supply of electricity by a generating company to a distribution licensee. (i) Conventional fuel based (coal, oil etc) plant. (ii) Non-conventional & Renewable Sources of Energy, including co-generation. (b) Annual/base year determination of tariff	(i) Rs.3,00,000 for capacity upto 100 MW Rs.3,000 for each additional MW or part thereof capacity. (ii) Rs.1,00,000 upto 10 MW Rs.2,000 for additional MW or part thereof capacity. (b) Rs.1,00,000

	<p>for transmission of electricity under the provisions of clause (b) of sub-section (1) of Section 62.</p> <p>Note: Fees are payable whether such determination is upon application by the licensee or by any other person or suo motto determination by the Commission.</p> <p>(c) Annual/base year determination of tariff for retail sale of electricity under the provisions of clause (d) of sub-section (1) of Section 62.</p> <p>Note: Fees are payable whether such determination is upon application by the Licensee or by any other person or suo motto determination by the Commission.</p> <p>(d) Annual/base year determination of tariff for integrated utility/deemed licence.</p> <p>Note: Fees are payable whether such determination is upon application by the licensee or by any other person or suo motto determination by the Commission.</p>	<p>(c) Rs.5,00,000</p> <p>(d) Rs.10,00,000</p>
13.	<p>Petition/application for approval of process or price for power purchase or procurement by distribution licensee, finalization of power purchase agreement.</p> <p>(a) Conventional fuel based (coal, oil etc.) plant.</p> <p>(b) Non conventional and Renewable Sources of energy.</p>	<p>(a) Rs.5,000 per MW (minimum Rs.50,000 and maximum of Rs.10,00,000)</p> <p>(b) 50% of the above.</p>
14.	Application for determination of variable cost adjustment (VCA) charges.	Rs.50,000
15.	<p>(a) Application for review of Tariff Order or power purchase agreement or power procurement rate by licensee.</p> <p>(b) Application by an institution/ association/ company for review of Tariff Order or power purchase agreement or power procurement rate.</p>	<p>(a) 10 percent of the fees paid at the time of the original application for determination of tariff.</p> <p>(b) Rs.25,000</p>

	(c) Application by an individual consumer for review of Tariff Order or power purchase agreement or power procurement rate.	(c) Rs.10,000
16.	Application for approval of the schedule of charges of a Distribution Licensee under Section 45 and Section 46 of the Central Act.	Rs.1,00,000
17.	Disputes arising under Sub-section (4) & (5) of Section 67 of the Central Act.	Rs.10,000
18.	Adjudication under clause (f) of sub-section (1) of section 86 of Central Act of disputes between licensees and generating companies and between licensees themselves, not covered elsewhere in this schedule.	Rs.5,00,000
19.	Application for review of order passed under clause (f) of sub-section (1) of Section 86 of the Central Act.	Rs.50,000
20.	Interlocutory application.	Rs.5,000
21.	Appeal against the decision of Chief Electrical Inspector	Rs.5,000
22.	Application for review of orders of Commission not covered elsewhere in this schedule.	Rs.10,000
23.	Application for inspection of orders/records of the Commission	Rs.100 per case.
24.	Supply of copies of documents/order of the Commission	Rs.2 per page.
25.	Miscellaneous applications i.e. application not covered elsewhere in this schedule. (a) Applications by licensees (b) Applications by consumers other than individuals. (c) Applications by individual consumers and others.	(a) Rs.10,000 (b) Rs.250 (c) Rs.100